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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,316	07/31/2006	Michael Dennis Hardwick	A - 06.04	6747
55516 7590 08/15/2008 ARTHUR JACOB 25 EAST SALEM STREET P.O. BOX 686 HACKENSACK, NJ 07602				
EXAMINER				
SHECHTMAN, SEAN P				
ART UNIT		PAPER NUMBER		
2121				
MAIL DATE		DELIVERY MODE		
08/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,316

Applicant(s)

HARDWICK, MICHAEL DENNIS

Examiner

Sean P. Shechtman

Art Unit

2121

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-15, 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-15, 17-19 rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The term "its" in claims 1-15, 17-19 is a relative term which renders the claim indefinite. The term "its" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The various claimed elements associated with the term its has been rendered indefinite by the use of the term its, such as for example, the appliance associated with the term its of claim 1.

The term "respectively associated" in claim 1 is a relative term which renders the claim indefinite. The term "respectively associated" is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The relationship between the plurality of radio receivers and the appliances has been rendered indefinite by the use of the term respectively associated.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: A relationship between a or one or more of the plurality of receiver(s), appliance(s), controllers, and a or one or more of the plurality of receiver(s), appliance(s), controllers.

Claim 1, recites the limitation "each receiver", however claim 1 previously recites the limitations of "a plurality of radio receivers", and "a receiver". Therefore the recitation of "each receiver" in the same or subsequent claim is unclear because it is uncertain which of the receivers was intended (MPEP 2173.05(e)).

Referring to claim 1, the limitation "each receiver" to claim 2, line 2 recites the limitation "the controller", however claim 1 recites the limitation of "a plurality of controllers", and "its respective controller". Therefore the recitation of "the controller" in the same or subsequent claim is unclear because it is uncertain which of the controllers was intended (MPEP 2173.05(e)).

Referring to claims 2-3, 10, the limitation "the controller" is indefinite. For example, referring to claim 2, line 2 recites the limitation "the controller", however claim 1 recites the limitation of "a plurality of controllers", and "its respective controller".

Therefore the recitation of "the controller" in the same or subsequent claim is unclear because it is uncertain which of the controllers was intended (MPEP 2173.05(e)).

Claims 2, 18 recite the limitation "the controlled apparatus". There is insufficient antecedent basis for this limitation in the claims.

Claim 5 depends on itself, thereby rendering this entire claim indefinite.

Referring to claim 15, it is unclear what is located at various locations.

Claim 12 recites the limitation "said parameter" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Due to the number of 35 USC § 112 rejections, the examiner has provided a number of examples of the claim deficiencies in the above rejections, however, the list of rejections may not be all inclusive. Applicant should refer to these rejections as examples of deficiencies and should make all the necessary corrections to eliminate the 35 USC § 112 problems and place the claims in proper format.

Due to the vagueness and a lack of clear definition of the terminology and phrases used in the specification and claims, the claims have been treated on their merits as best understood by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10, 14, 15, 17-19, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,838,226 to Houggy et al, hereinafter referred to as Houggy (whole document).

Referring to claim 1, Houggy teaches a control system for controlling a plurality of appliances (Fig. 1, lamp 54; Fig. 9, Col. 17, lines 36-63, all lamps in house; Col. 34, lines 54-60, HVAC, appliances, etc) remotely (Fig. 1, from one of masters 20, 30, Col. 12, lines 20-60) in response to a variable which is independent of the system and has a changing value (Col. 17, lines 7-Col. 18, line 3, all lamps on or off), which system comprises a sensor to sense the value of the variable (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button), a radio transmitter operatively connected to the sensor to transmit a control signal representative of the sensed value of the variable (See Figs. 1, 23, Col. 29, lines 51 – Col. 30, line 26, data for controlling to be transmitted through RF board/antenna), a plurality of radio receivers respectively associated with the appliances (See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, signals received through antenna) and a plurality of controllers each operatively connected between a receiver and its associated appliance (See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col. 13, lines 29 – Col. 14, line 38, microcontroller/microprocessor), wherein each receiver is operative to receive said control signal and its respective controller thereupon controls the appliance connected thereto according to the value of the variable (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off on master; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button on master; See dimmers in Figs. 1, 9, 25,

Col. 29, lines 44-60, Col. 24, lines 48-Col. 25, line 33, signals received through antenna from master to control all lamps on or off or to control based on commands for all local controls assigned to a particular button).

2. A control system as claimed in claim 1 wherein the controller is operative to change a parameter of the controlled apparatus as the value of the variable changes (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off on master; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button on master; See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col. 24, lines 48-Col. 25, line 33, signals received through antenna from master to control all lamps on or off or to control based on commands for all local controls assigned to a particular button).

3. A control system as claimed in claim 2 wherein the controller is operative to change said parameter proportionately as the value of the variable changes (Col. 24, lines 7-50, intensity level; Col. 24, lines 48-Col. 25, line 33).

4. A control system as claimed in claim 3 wherein said parameter is changed in direct relation to the value of the variable (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off on master; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button on master; See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col. 24, lines 48-Col. 25, line 33, signals received through antenna from master to control all lamps on or off or to control based on commands for all local controls assigned to a particular button).

5. A control system as claimed in claim 5 wherein said parameter is changed in inverse relation to the value of the variable (Col. 30, lines 44-60).

6. A control system as claimed in claim 1 wherein said appliances comprises at least one lamp of which said parameter is the light output thereof (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off on master; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button on master; See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col. 24, lines 48-Col. 25, line 33, signals received through antenna from master to control all lamps on or off or to control based on commands for all local controls assigned to a particular button).

10. A control system as claimed in claim 6 wherein the controller comprises an adjustable ballast (Col. 24, lines 7-50, intensity level; Col. 24, lines 48-Col. 25, line 33).

14. A control system as claimed in claim 2 wherein said parameter is changed in a plurality of steps (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off on master; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button on master; See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col. 24, lines 48-Col. 25, line 33, signals received through antenna from master to control all lamps on or off or to control based on commands for all local controls assigned to a particular button).

15. A control system as claimed in claim 1 including a plurality of said sensors and associated transmitters located at various locations (See dimmers in Figs. 1, 9, masters and repeaters).

17. A control system as claimed in claim 15 wherein at least one controller is operative in response to control signals from more than one sensor (Col. 30, lines 44-60, manual switch).

18. A control system as claimed in claim 17 wherein at least one controller is arranged to operate in one of switching its associated appliance on and increasing the output of the controlled apparatus (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off on master; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button on master; See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col. 24, lines 48-Col. 25, line 33, signals received through antenna from master to control all lamps on or off or to control based on commands for all local controls assigned to a particular button), in response to a control signal from one said sensor and is arranged to operate in one of switching its associated appliance off and decreasing the output of the controlled apparatus, in response to a control signal from another said sensor (Col. 30, lines 44-60, Col. 29, lines 44-60, manual switch, and manual assignment of dimmers; and/or Col. 12, lines 61- Col. 13, line 14).

19. A control system as claimed in claim 1 wherein at least one control signal is a radio signal in the 868 MHz band (Col. 16, lines 8-30).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6, 11-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,385,297 to Rein et al (hereinafter referred to as Rein), supplied by applicant, and in view of Houggy.

Referring to claim 1, Rein teaches a control system for controlling a plurality of appliances (Col. 10, lines 24-38, HVAC, damper, lighting, air conditioners, etc) remotely

in response to a variable which is independent of the system and has a changing value (Fig. 2, 7, element 68, Col. 10, lines 24-39, Col. 12, lines 21-38), which system comprises a sensor to sense the value of the variable (Fig. 2, 7, element 58, Col. 8, lines 27-38), a radio transmitter operatively connected to the sensor to transmit a control signal representative of the sensed value of the variable (Fig. 2, element 65, Col. 9, lines 6-20), a plurality of receivers respectively associated with the appliances (Fig. 2, 7, element 68, Fig. 24, element 400) and a plurality of controllers each operatively connected between a receiver and its associated appliance (Fig. 24, element 404), wherein each receiver is operative to receive said control signal and its respective controller thereupon controls the appliance connected thereto according to the value of the variable (Figs. 2, 24, element 68, Col. 10, lines 24-39, Col. 12, lines 21-38).

2. A control system as claimed in claim 1 wherein the controller is operative to change a parameter of the controlled apparatus as the value of the variable changes (Col. 10, lines 55-68).

3. A control system as claimed in claim 2 wherein the controller is operative to change said parameter proportionately as the value of the variable changes (Col. 11, lines 1-5).

4. A control system as claimed in claim 3 wherein said parameter is changed in direct relation to the value of the variable (Col. 10, lines 55-68).

5. A control system as claimed in claim 5 wherein said parameter is changed in inverse relation to the value of the variable (Col. 14, lines 17-24; Col. 17, lines 29-38).

6. A control system as claimed in claim 5 wherein said appliances comprises at least one lamp of which said parameter is the light output thereof (Col. 14, lines 17-24; Col. 7, line 64 – Col. 8, line 8).

11. A control system as claimed in claim 1 wherein the variable is ambient temperature (Col. 14, lines 17-24).

12. A control system as claimed in claim 11 wherein said appliances comprises at least one heater of which said parameter is heat output from the heater (Col. 14, lines 17-24).

13. A control system as claimed in claim 12 wherein the sensor comprises a thermometer and the system is arranged to increase the heat output from the heater as ambient temperature at the thermometer decreases (Col. 17, lines 16-38).

14. A control system as claimed in claim 2 wherein said parameter is changed in a plurality of steps (Col. 18, lines 19-51).

15. A control system as claimed in claim 1 including a plurality of said sensors and associated transmitters located at various locations (Fig. 4, 7 element 58; Fig. 2, element 65, Col. 9, lines 6-20).

17. A control system as claimed in claim 15 wherein at least one controller is operative in response to control signals from more than one sensor (Fig. 4, Col. 12, lines 39-53; Col. 14, lines 24-57).

18. A control system as claimed in claim 17 wherein at least one controller is arranged to operate in one of switching its associated appliance on and increasing the output of the controlled apparatus, in response to a control signal from one said sensor

and is arranged to operate in one of switching its associated appliance off and decreasing the output of the controlled apparatus, in response to a control signal from another said sensor (Col. 14, lines 17-24; Col. 17, lines 3-15, Col. 17, lines 38-45).

Referring to claim 1, Rein teaches the first communication medium with which the plurality of receivers communicate over is a power line (Col. 11, lines 7-22). Rein teaches all of the limitation set forth above, however fails to teach the plurality of receivers are radio receivers.

However, Referring to claim 1, Houggy teaches a control system for controlling a plurality of appliances (Fig. 1, lamp 54; Fig. 9, Col. 17, lines 36-63, all lamps in house; Col. 34, lines 54-60, HVAC, appliances, etc) remotely (Fig. 1, from one of masters 20, 30, Col. 12, lines 20-60) in response to a variable which is independent of the system and has a changing value (Col. 17, lines 7-Col. 18, line 3, all lamps on or off), which system comprises a sensor to sense the value of the variable (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button), a radio transmitter operatively connected to the sensor to transmit a control signal representative of the sensed value of the variable (See Figs. 1, 23, Col. 29, lines 51 – Col. 30, line 26, data for controlling to be transmitted through RF board/antenna), a plurality of radio receivers respectively associated with the appliances (See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, signals received through antenna) and a plurality of controllers each operatively connected between a receiver and its associated appliance (See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col.

13, lines 29 – Col. 14, line 38, microcontroller/microprocessor), wherein each receiver is operative to receive said control signal and its respective controller thereupon controls the appliance connected thereto according to the value of the variable (Col. 17, lines 7-Col. 18, line 3, buttons for all lamps on or off on master; AND/OR, Col. 23, lines 9-60, local controls assigned to a particular button on master; See dimmers in Figs. 1, 9, 25, Col. 29, lines 44-60, Col. 24, lines 48-Col. 25, line 33, signals received through antenna from master to control all lamps on or off or to control based on commands for all local controls assigned to a particular button); wherein referring to Figs. 26 and 27, Hougy teaches the communication medium with which the plurality of radio receivers communicate over is a power line (See Fig. 26 27 and description thereof).

Rein and Hougy are analogous art because they are from the same field of endeavor, a control system for controlling a plurality of appliances.

At time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the radio receivers of Hougy for communication over the power line communication medium of Rein. The suggestion/motivation would have been because Hougy teaches a system for controlling devices from remote locations which dispenses with any need to alter the internal wiring of the electrical system, i.e. the internal wiring of the building (Col. 1, lines 8-62).

And/or, since the radio receivers of Hougy for communication over the power line communication medium allows the dispensing of the need to alter the internal wiring of the electrical system, i.e. the internal wiring of the building, it would have been obvious to one of ordinary skill in the art to apply the radio receivers of Hougy to

improve the receivers of Rein for the predictable results of dispensing of the need to alter the internal wiring of the electrical system, i.e. the internal wiring of the building.

And/or, because both references teach a plurality of receivers, it would have obvious to one of ordinary skill in the art at the time that the invention was made to substitute one group of receivers for the other to achieve the predictable result of a plurality of radio receivers.

4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houggy as applied to claims 1-6, 10, 14, 15, 17-19, and further in view of U.S. Pat. No. 5,455,487 to Mix et al (hereinafter referred to as Mix), supplied by applicant. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rein in view of Houggy, as applied to claims 1-6, 11-15, 17-18 above and further in view of Mix.

Referring to claims 7-9, Houggy or Rein in view of Houggy teaches all of the limitations set forth above, however fail to teach wherein the variable is ambient light and the sensor comprises a photometer, the system being arranged to increase the light output from the lamp as incident light on the photometer decreases; wherein the sensor senses the presence of a person and the system is arranged to operate in at least one of switching the lamp on and increasing the light output from the lamp, when the presence of a person is detected; including a timer operative in at least one of switching the lamp off and reducing the light output from the lamp, a predetermined period after the time when the presence of a person is last sensed.

However, referring to claims 7-9, Mix teaches a control system for controlling apparatus remotely in response to a variable which is independent of the system and has a changing value, which system comprises a sensor to sense the value of the variable (Fig. 1, element 100; Col. 3, lines 25-33), a radio transmitter associated with the sensor and operative to transmit a control signal representative of the sensed value of the variable (Fig. 2, element 210; Col. 3, lines 45-50), a radio receiver associated with the controlled apparatus and operative to receive the control signal (Fig. 3, element 300; Col. 5, lines 14-18), and a controller operative by receipt of the control signal to control the apparatus according to the value of the variable (Col. 3, lines 34-44); wherein the controller is operative to change a parameter of the controlled apparatus as the value of the variable changes (Col. 4, lines 1-6); wherein the controller is operative to change said parameter proportionately as the value of the variable changes (Col. 2, lines 33-38); wherein said parameter is changed in direct relation to the value of the variable (Col. 2, lines 33-38); wherein said parameter is changed in inverse relation to the value of the variable (Col. 4, lines 7-21; Col. 6, lines 39- Col. 7, line 6); wherein the controlled apparatus comprises at least one lamp of which said parameter is the light output thereof (Col. 3, lines 34-44); wherein the variable is ambient light and the sensor comprises a photometer, the system being arranged to increase the light output from the lamp as incident light on the photometer decreases (Col. 6, lines 5-16; Col. 6, lines 39-58); wherein the sensor senses the presence of a person and the system is arranged to operate in at least one of switching the lamp on and increasing the light output from the lamp, when the presence of a person is detected (Col. 3, lines 51-61);

including a timer operative in at least one of switching the lamp off and reducing the light output from the lamp, a predetermined period after the time when the presence of a person is last sensed (Col. 4, lines 7-21).

Hougy or Rein in view of Hougy and Mix are analogous art because they are from the same field of endeavor, a control system for controlling a plurality of appliances.

At time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the sensing and timer lamp controls of Mix with the system of Hougy or Rein in view of Hougy. The suggestion/motivation would have been because Mix teaches a wireless human presence and ambient light level detector that is portable and can be positioned and repositioned at different locations in a room to maximize its ability to detect the presence of a person and to sense the level of ambient light in various room locations. Furthermore, the sensor's mobility also makes it ideal for detecting the level of ambient light at the location where a person is present or is working in a room. Furthermore, the wall mounted load control unit receives signals transmitted by the desktop detector unit and controls an electric load accordingly. Furthermore, Mix teaches a moveable sensing device and a wall- or ceiling-mounted load control unit, wherein the moveable sensing device includes a sensor that detects whether a person is in a room, a timing circuit that detects whether a person leaves the room, a signal generator that generates a control signal to switch an electric load ON and OFF, and a transmitter that transmits the control signal by a wireless transmission method, wherein the mounted control unit includes a signal receiver to receive the

wireless transmission of the control signal, and a switch that responds to the control signal to switch power to an electric load ON and OFF (Col. 2, lines 6-57).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rein in view of Houggy as applied to claim 1 above, and further in view of U.S. Pat. No. 6,522,954 to Kummerer et al (hereinafter referred to as Kummerer).

Rein in view of Houggy teaches all of the limitations set forth above, however fails to teach at least one control signal is a radio signal in the 868 MHz band.

However, Kummerer teaches a control system wherein at least one control signal is a radio signal in the 868 MHz band (Col. 5, lines 10-22).

Rein in view of Houggy and Kummerer are analogous art because they are from, the same field of endeavor, room control systems.

At time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the control signal of Rein in view of Houggy with the radio signal in the 868 MHz band, as taught by Kummerer.

The suggestion/motivation would have been because Kummerer teaches it is good practice to make use of commercially available radio transceiver units which operate preferably at the frequency of 433 MHz, since they have become very moderate in price (Col. 5, lines 10-22).

Or, because all references teach at least one control signal is a radio signal, it would have obvious to one of ordinary skill in the art at the time that the invention was made to substitute at least one control signal that is a radio signal for the other to

achieve the predictable result of at least one control signal that is a radio signal in the 868 MHz band.

Response to Arguments

6. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571)272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPS

Sean P. Shechtman

August 10, 2008

/Sean P. Shechtman/
Primary Examiner, Art Unit 2121